

JAMES A. PATTEN  
PATTEN, PETERMAN,  
BEKKEDAH & GREEN,  
PLLC  
Suite 300, The Fratt Building  
2817 Second Avenue North  
Billings, MT 59101-2041  
Telephone: (406) 252-8500  
Facsimile: (406) 294-9500  
email: apatten@ppbglaw.com

STEPHAN C. VOLKER  
ALEXIS E. KRIEG  
STEPHANIE L. CLARKE  
JAMEY M.B. VOLKER  
LAW OFFICES OF STEPHAN C. VOLKER  
1633 University Avenue  
Berkeley, California 94703-1424  
Telephone: (510) 496-0600  
Facsimile: (510) 845-1255  
email: svolker@volkerlaw.com  
akrieg@volkerlaw.com  
sclarke@volkerlaw.com  
jvolker@volkerlaw.com

Attorneys for Plaintiffs  
INDIGENOUS  
ENVIRONMENTAL  
NETWORK and NORTH  
COAST RIVERS ALLIANCE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

INDIGENOUS ENVIRONMENTAL NETWORK	}	CV 17-29-GF-BMM
and NORTH COAST RIVERS ALLIANCE,		CV 17-31-GF-BMM
and	}	
		<b>PLAINTIFFS</b>
NORTHERN PLAINS RESOURCE COUNCIL,		<b>INDIGENOUS</b>
et al.,		<b>ENVIRONMENTAL</b>
		<b>NETWORK'S and NORTH</b>
Plaintiffs,		<b>COAST RIVERS</b>
		<b>ALLIANCE'S NOTICE OF</b>
v.		<b>APPEAL TO COURT OF</b>
UNITED STATES DEPARTMENT OF STATE,		<b>APPEALS FOR THE</b>
et al.,		<b>NINTH CIRCUIT</b>
Defendants,	}	

TRANSCANADA KEYSTONE PIPELINE and  
TRANSCANADA CORPORATION,

Defendant-Intervenors.

---

PLEASE TAKE NOTICE that plaintiffs INDIGENOUS ENVIRONMENTAL NETWORK and NORTH COAST RIVERS ALLIANCE hereby appeal to the United States Court of Appeals for the Ninth Circuit, pursuant to 28 U.S.C. section 1291 and Rule 3(a), Federal Rules of Appellate Procedure, from the District Court's Judgment in a Civil Case filed November 15, 2018.

The parties to the Judgment appealed from and the names, addresses and telephone numbers of their respective attorneys are as follows:

1. Counsel for Plaintiffs and Appellants INDIGENOUS ENVIRONMENTAL NETWORK and NORTH COAST RIVERS ALLIANCE

Stephan C. Volker  
Alexis E. Krieg  
Stephanie L. Clarke  
Jamey M.B. Volker  
Law Offices of Stephan C. Volker  
1633 University Avenue  
Berkeley, California 94703  
Tel: (510) 496-0600  
Fax: (510) 845-1255  
email: svolker@volkerlaw.com  
akrieg@volkerlaw.com  
sclarke@volkerlaw.com  
jvolker@volkerlaw.com

James A. Patten  
Patten, Peterman, Bekkedahl & Green, PLLC  
Suite 300, The Fratt Building  
2817 Second Avenue North  
Billings, MT 59101-2041  
Tel.: (406) 252-8500  
Fax: (406) 294-9500  
email: apatten@ppbglaw.com

2. Counsel for Federal Defendants UNITED STATES DEPARTMENT OF STATE and Under Secretary of State THOMAS A. SHANNON, JR., Secretary of the Interior RYAN KEITH ZINKE, Acting Director of the United States Fish and Wildlife Service JAMES W. KURTH, and the UNITED STATES FISH AND WILDLIFE SERVICE

Mark Steger Smith  
Assistant U.S. Attorney  
U.S. Attorney's Office  
2601 Second Avenue North, Suite 3200  
Billings, MT 59101  
Tel: (406) 247-4667  
Fax: (406) 657-6058  
email: mark.smith3@usdoj.gov

Jean E. Williams, Deputy Assistant Attorney General  
United States Department of Justice  
Environment and Natural Resources Division  
Seth M. Barsky, Section Chief  
Bridget Kennedy McNeil (CO Bar 34299)  
Wildlife and Marine Resources Section  
Luther L. Hajek (CO Bar 44303)  
Natural Resources Section  
999 18<sup>th</sup> Street, South Terrace, Suite 370  
Denver, CO 80202  
Tel: (303) 844-1484, (303) 844-1376  
Fax: (303) 844-1350

email: bridget.mcneil@usdoj.gov  
luke.hajek@usdoj.gov

3. Counsel for Defendants-Intervenors TRANSCANADA KEYSTONE  
PIPELINE, LP and TRANSCANADA CORPORATION

Jeffrey J. Oven  
Mark L. Stermitz  
Jeffrey M. Roth  
Crowley Fleck PLLP  
490 North 31<sup>st</sup> Street, Suite 500  
Billings, MT 59103-2529  
Tel: (406) 252-3411  
email: joven@crowleyfleck.com  
mstermitz@crowleyfleck.com  
jroth@crowleyfleck.com

Peter R. Steenland  
Peter R. Whitfield  
Lauren C. Freeman  
Sidley Austin LLP  
1501 K. Street, NW  
Washington, DC 20005  
Tel: (202) 736-8000  
email: psteenland@sidley.com  
pwhitfield@sidley.com  
lfreeman@sidley.com

A copy of the Court's Judgment in a Civil Case filed November 15, 2018, is  
annexed hereto.

Dated: January 14, 2019

Respectfully submitted,

/s/ Stephan C. Volker  
STEPHAN C. VOLKER

PATTEN, PETERMAN, BEKKEDAH, &  
GREEN, PLLC

*s/ James A. Patten*

\_\_\_\_\_  
JAMES A. PATTEN

Attorneys for Plaintiffs  
INDIGENOUS ENVIRONMENTAL NETWORK  
and NORTH COAST RIVERS ALLIANCE  
Attorneys for Plaintiffs and Appellants

**CERTIFICATE OF SERVICE**

I hereby certify that on January 14, 2019, a copy of the foregoing  
**PLAINTIFFS INDIGENOUS ENVIRONMENTAL NETWORK'S and**  
**NORTH COAST RIVERS ALLIANCE'S NOTICE OF APPEAL TO**  
**COURT OF APPEALS FOR THE NINTH CIRCUIT** was electronically served  
on all counsel of record via the Court's CM/ECF system.

*s/ Stephan C. Volker*  
\_\_\_\_\_  
Attorneys for Plaintiffs  
INDIGENOUS ENVIRONMENTAL NETWORK  
and NORTH COAST RIVERS ALLIANCE